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April 15, 2015

U.S. District Judge Joseph F. Bianco  
Long Island Federal Courthouse  
814 Federal Plaza  
Central Islip, New York 11722

RE: Zarda v. Altitude Express, Inc. & Ray Maynard, 10 Civ 4334 (JFB)

Dear Judge Bianco:

I represent the plaintiff in this action and hate to be a tattletale, but Mr. Zabell wrote to Judge Wexler today to say that this case has been scheduled for July 6. (Letter attached.) As you know, that's not true. You gave us three dates, one of which Mr. Zabell opted out of. The other two, July 6 and 23 are not chosen between. Both were initially fine with me, then July 6 became iffy. My witness had a conference scheduled for that date. I called your clerk to see if a date would be chosen for this case before he made a decision whether to cancel the conference, never got an answer, and assumed that therefore my witness would be accommodated as well as Mr. Zabell's schedule. Now he's writing you and Judge Wexler stating that July 6 is the date chosen. That is a lie. He would have been within his rights to write to you to say, sorry, I can't do the 6<sup>th</sup>, but to write to Judge Wexler and say that you have scheduled the Zarda trial for the 6<sup>th</sup>, when you have not, is an outright falsehood.

This is what happens when attorneys are not disciplined for violations of ethical rules, rules to engage in discussion, and civility requirements: They ignore them, including but not limited to lying to the tribunal. I ask that you schedule the trial for the 23<sup>rd</sup> (or for that matter, any date my clients and witnesses are available). In my opinion, given this obvious breach of ethics, Mr. Zabell should also be sanctioned for playing these games, including but not limited to striking his client's answer. But that's your decision. As I've said before: Unless you are elevated, which would be a good thing, you'll have to deal with Mr. Zabell much longer than me. You want him to act like this before you and other tribunals, then, as my grandmother would say, it's your agita, not mine.

Sincerely,  
/s/

Gregory Antollino

Cc: Saul Zabell by ecf